

COMBINED DECLARATION AND POWER OF ATTORNEY FOR CONTINUATION-IN-PART APPLICATION

Attorney Docket No.

8500-0058.23

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I BELIEVE I AM THE ORIGINAL, FIRST AND SOLE INVENTOR (if only one name is listed below) OR AN ORIGINAL, FIRST AND JOINT INVENTOR (if more than one name is listed below) OF THE SUBJECT MATTER WHICH IS CLAIMED AND FOR WHICH A PATENT IS SOUGHT ON THE INVENTION

ENTITLED: 1,2,4-BENZOTRIAZINE OXIDES AS RADIOSENSITIZERS AND SELECTIVE
CYTOTOXIC AGENTS

the specification of which:

(check ☒ is attached hereto;
one) ☐ was filed on _____ as

Application Serial No. _____

and was amended on _____ ;
(if applicable)

I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE;

I ACKNOWLEDGE THE DUTY TO DISCLOSE INFORMATION WHICH IS MATERIAL TO THE EXAMINATION OF THIS APPLICATION IN ACCORDANCE WITH TITLE 37, CODE OF FEDERAL REGULATIONS, Sec. 1.56 (a) which states: "A duty of candor and good faith toward the Patent and Trademark Office rests on the inventor, on each attorney or agent who prepares or prosecutes the application and on every other individual who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. All such individuals have a duty to disclose to the Office information they are aware of which is material to the examination of the application. Such information is material where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent. The duty is commensurate with the degree of involvement in the preparation or prosecution of the application.";

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) set forth above which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>356,602</u> (Application Serial No.)	<u>24 May 1989</u> (Filing Date)	<u>pending</u> (Status) (patented, pending, abandoned)
<u>169,873</u> (Application Serial No.)	<u>18 March 1988</u> (Filing Date)	<u>abandoned</u> (Status) (patented, pending, abandoned)
<u>911,906</u> (Application Ser.No.)	<u>25 September 1986</u> (Filing Date)	<u>abandoned</u> (patented, pending, abandoned)

100363 12701 B/922001

As to the subject matter of this application which is common to said earlier application, I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to said earlier application, or in public use or on sale in the United States of America more than one year prior to said earlier application; that said common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of said earlier application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to said earlier application; and that the earliest application(s) for patent or inventor's certificate on said invention filed by me or my legal representatives or assigns in any country foreign to the United States of America is identified below, as well as all other such applications (if any) filed more than twelve months prior to the filing date of this application:

Spain	No.: P8900991	Filed: 17 March 1989
Portugal	90039	17 March 1989
Greece	89.01.00167	17 March 1989
PCT	PCT/US89/01037	15 March 1989
New Zealand	228323	14 March 1989
Ireland	721/89	6 March 1989
Canada	540,932	30 June 1987
PCT	PCT/US87/01412	16 June 1987
West Germany	P3790581.3	16 June 1987
United Kingdom	8810634.9	16 June 1987
Japan	504083-1987	16 June 1987

The priority of the earliest application(s) (if any) filed within a year prior to said pending prior application is hereby claimed under 35 U.S.C. §119;

As to the subject matter of this application which is not common to said earlier application, I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this application, or in public use or on sale in the United States of America more than one year prior to the date of this application, and that said subject matter has not been patented or made the subject of an inventor's certificate issued in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to the date of this application, and that the earliest application(s) for patent or inventor's certificate on said subject matter filed by me or my legal representatives or assigns in any country foreign to the United States of America is identified below, as well as all other such application(s) (if any) filed more than twelve months prior to the filing date of this application:

NONE

10022678-121701

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The priority of the earliest application(s) (if any) filed within a year prior to this application is hereby claimed under 35 U.S.C. §119;

I hereby appoint the following attorneys and agent(s) to prosecute said application and to transact all business in the Patent and Trademark Office connected therewith and to file, prosecute and to transact all business in connection with international applications directed to said invention:

William H. Benz - Reg. No. 25,952
Mary-Elizabeth Buckles - Reg. No. 31,907
Thomas E. Ciotti - Reg. No. 21,013
Ronald Craig Fish - Reg. No. 28,843
Grant D. Green - Reg. No. 31,259
Ronald S. Laurie - Reg. No. 25,431
Gladys H. Monroy - Reg. No. 32,430

Kate H. Murashige - Reg. No. 29,959
Lisabeth Feix Murphy - Reg. No. 31,547
Matthew C. Rainey - Reg. No. 32,291
Dianne E. Reed - Reg. No. 31,292
Roberta Robins - Reg. No. 33,208
Debra Shetka - Reg. No. 33,309

and:

Address all correspondence to:

IRELL & MANELLA
545 Middlefield Road, Suite 200
Menlo Park, California 94025-3471

Address all telephone calls to: Dianne E. Reed at 415-327-7250.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE OR FIRST INVENTOR	SIGNATURE	DATE
William W. Lee	<i>William W. Lee</i>	10/30/89
RESIDENCE	CITIZENSHIP	
Palo Alto, California	United States	
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991 N. California Avenue, Palo Alto, California 94303		
FULL NAME OF SECOND JOINT INVENTOR, IF ANY	SIGNATURE	DATE
J. Martin Brown	<i>J. Martin Brown</i>	10/11/89
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POST OFFICE ADDRESS		
33 Peter Coutts Circle, Stanford, California 94305		
FULL NAME OF THIRD JOINT INVENTOR, IF ANY	SIGNATURE	DATE
Edward W. Grange	<i>Edward W. Grange</i>	11-1-89
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3480 Waverly Street, Palo Alto, California 94306		
FULL NAME OF FOURTH JOINT INVENTOR, IF ANY	SIGNATURE	DATE
Abelardo P. Martinez	<i>Abelardo P. Martinez</i>	10-9-'89
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POST OFFICE ADDRESS		
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☒ Please see attached continuation page for additional inventors

1002678-12101

COMBINED DECLARATION AND POWER OF ATTORNEY CONTINUATION PAGE FOR ADDITIONAL INVENTORS

Attorney Docket No.

8500-0058.23

(This page must be attached to a completed Combined Declaration And Power Of Attorney before signing).

FULL NAME OF FIFTH JOINT INVENTOR, IF ANY
Michael Tracy

SIGNATURE

Michael Tracy

DATE

10.05.1986

RESIDENCE

Palo Alto, California

CITIZENSHIP

British

POST OFFICE ADDRESS

2495 Chabot Terrace, Palo Alto, California 94303

FULL NAME OF SIXTH JOINT INVENTOR, IF ANY
Daniel J. Pollart

SIGNATURE

Daniel J. Pollart

DATE

10-5-89

RESIDENCE

Menlo Park, California

CITIZENSHIP

United States

POST OFFICE ADDRESS

855 Arbor Road, Menlo Park, California 94025

FULL NAME OF SEVENTH JOINT INVENTOR, IF ANY

SIGNATURE

DATE

RESIDENCE

CITIZENSHIP

POST OFFICE ADDRESS

FULL NAME OF EIGHTH JOINT INVENTOR, IF ANY

SIGNATURE

DATE

RESIDENCE

CITIZENSHIP

POST OFFICE ADDRESS

FULL NAME OF NINTH JOINT INVENTOR, IF ANY

SIGNATURE

DATE

RESIDENCE

CITIZENSHIP

POST OFFICE ADDRESS

FULL NAME OF TENTH JOINT INVENTOR, IF ANY

SIGNATURE

DATE

RESIDENCE

CITIZENSHIP

POST OFFICE ADDRESS

FULL NAME OF ELEVENTH JOINT INVENTOR, IF ANY

SIGNATURE

DATE

RESIDENCE

CITIZENSHIP

POST OFFICE ADDRESS

FULL NAME OF TWELFTH JOINT INVENTOR, IF ANY

SIGNATURE

DATE

RESIDENCE

CITIZENSHIP

POST OFFICE ADDRESS

FOOTNOTES